refer to such decision." He then went on generously to allow that if the court was established it would gradually extend its jurisdiction.

A great thing like the court must be allowed to grow. It had already a good start in the general approval of the world and in the compulsory jurisdiction conferred on it in labor and transit questions; but, driving the knife a little deeper, he added, "If an attempt was now made to generalize its jurisdiction, the very constitution of the court might be jeopardized." Lord Robert Cecil was speaking with the voice of the great powers. They had their way, damning the project with their faint praises.

The opposition to the great powers was vigorous. M. Affonso Costa, of Portugal, said, evidently with no little emphasis, that the League of Nations had undertaken the task of preventing war, and that the only means of effecting this was the obligatory recourse to justice. His words were unequivocal. He said:

"If a court with obligatory justice cannot be established, the League is dead."

Even M. Bourgeois, speaking before the 20th plenary session of the Assembly, expressed himself thus:

"The peace we require is one founded on right and not a peace established by the strong over the weak. Such would be a peace of the past, which is merely a preparation for war. It is no such peace that we desire in the future. Future peace must be a peace which is based on the elements of justice."

M. Henri La Fontaine, of Belgium, used such expressions as:

"I must say that we have been deceived. We have been bitterly deceived. . . . We must break the vicious circle of sorrow. I wish that I had the eloquence of Mirabeau, of Demosthenes, or of Jaures to convince you of its necessity. I wish that you would not hear me; I wish that you would hear the great cry, the great clamor, of the world—of all the mothers and wives, of all the working masses who are asking for a definite peace. I wish that you would hear also the voice of those who sleep under the ground, of those who have given their lives in sacrifice for the establishment of justice. . . . To those who speak of vital interests and of the sovereignty of each State we must say that there is only one vital interest for every one, and that is supreme justice, without which there is no peace whatsoever."

M. Raoul Fernandez, of Brazil, pointed out that, in accordance with the Covenant, the Council has compulsory jurisdiction in matters where vital interests of a country are concerned; that the States signing the Covenant have thereby surrendered their interests in matters of vital importance to the Council; that the Council is qualified to give judicial decisions on certain matters. He expressed the view that there will always be an element of politics in the Council's decisions, an element which will tend to dominate over the claims of justice. This he conceived to be a "great danger."

M. Franz Tamayo, of Bolivia, defending the principle of compulsory jurisdiction, said:

"At the beginning of this Assembly it was well said that our motto should be 'Deeds, not words.' Let us accomplish this program with tangible facts, and let us not be content with promises. I fear most that half justice and half truths are worse than the negation of justice and are worse than a lie itself."

But the great States had their way. We are to have the court. But an International Court of Justice with compulsory jurisdiction is still in the lap of Providence.

THE LEAGUE'S FINAL ACT OF ALIENATION

IT WOULD seem that the League of Nations alienated the United States definitely at the 31st and final plenary meeting of the Assembly, held at the *Salle de la Réformation* at 4 p. m. on Saturday, December 18, 1920. This we conceive to be still another international tragedy, a tragedy more serious and distressing than most of the others.

That the truth of this analysis will be granted by all acquainted with American views upon international organizations will appear when they recall but a few facts. It is not necessary to restate the instructions given by Mr. John Hay, then Secretary of State, to the American delegation to the First Hague Conference in 1899. It is not necessary to review the instructions of Mr. Elihu Root, then Secretary of State, to the delegates to the Second Hague Convention of 1907. It is not necessary to be reminded of the recommendations of the Committee of Ten Jurists meeting at The Hague, June 16-July 24 last, for those recommendations were in the main the very embodiment of America's conception of any possible international organization. Upon the invitation of the Council of the League of Nations, that Committee of Jurists submitted a draft scheme for the institution of a Permanent Court of International Justice, mentioned in Article XIV of the Covenant of the League of Nations. That draft scheme was presented to the Council of the League of Nations. The Committee of Jurists also adopted three resolutions, each in the form of a recommendation, "convinced that the security of States and the well-being of peoples urgently require the existence of an empire of law and the development of an international agency for the administration of justice." They first recommended a new conference of the nations in continuance of the first two

conferences at The Hague. The jurists believed that it is necessary to restate the established rules of international law; to formulate and agree upon amendments and additions, if any, to the rules of international law; to endeavor to reconcile divergent views and secure general agreement upon the rules which have been in dispute heretofore; to consider the subjects not now adequately regulated by international law, but as to which the interests of international justice require that rules of law shall be declared and accepted. Every American acquainted with the history of his country during the last twenty-five years will recognize that this recommendation is in perfect consonance with American international endeavor, not only during the quarter of a century just passed, but throughout the history of the United States, especially since the foundation of the American Peace Society in 1828. This first resolution also included the recommendation that certain well-known international law societies be invited to assist such an international conference, the conference to be named "Conference for the Advancement of International Law." It was also recommended that the conference be followed by future successive conferences at stated intervals to continue the work left unfinished. The second resolution, recommended to the Council of the Assembly of the League of Nations for examination, grew out of a proposal by the President of the Committee of Jurists, Baron Deschamps, of Belgium. The proposal was, in brief, the establishment of a criminal court of international justice competent to try crimes against international public order. This proposal was not American in its origin; but there is nothing in it particularly inconsistent with American international policy. The third resolution, in the form of a recommendation, was the expression of the hope that the Academy of International Law, founded at The Hague in 1913, might enter upon its activity alongside of the Permanent Court of International Justice. That proposal was made by Americans and backed by American money. That the situation may be perfectly clear, let the facts be summarized. The Committee of Jurists meeting at The Hague recommended: First, the establishment of an International Court of Justice; second, that this International Court of Justice should have compulsory jurisdiction in five specified particulars; third, that there should be regular international conferences of all civilized nations, with quasi-legislative powers; fourth, that the League of Nations consider the advisability of establishing a criminal court of international justice; fifth, that the Academy of International Law be re-established. Here we have substantially the whole of American international policy as far as it relates to any international organization. The League of Nations has accepted but one of these five proposals, namely, the first; that it adopted that one is to its credit; that it refused the others is, we believe, unfortunate, for we fear that it will mean the final break between the United States and the Paris League of Nations.

It will be difficult for many Americans to understand why the League should refuse to accept, at least in the main, these reasonable recommendations of the Committee of Jurists; but the explanation is comparatively simple. The "Big States" are unwilling to obligate themselves to submit even a limited number of their justiciable questions to the test of the rule of right. That accounts for the refusal to grant to the court a compulsory jurisdiction. Certain members of the League, notably Sir Robert Cecil and Mr. Arthur J. Balfour, have been able to conceive of no international organization except in the terms of the Holy Alliance. Their whole conception of any successful international organization is an organization of the few powerful for the coercion of the many small. Hence they propose to confine any international organization to the Council of nine nations dominated by five. That is the kind of a legislative body they believe in. For these Tories no other is conceivable, hence they are opposed to any periodic conferences of all the nations as proposed by the Committee of Jurists. All this simply means the prolonged postponement of any effective society of all the nations in the interest of a constructive peace, for the United States will not become a party to any world organization such as is carried in the minds of the Alexander I's recently convened at Geneva.

THE SINISTER FACT OF GENEVA

THE MOST glaring illustration of the insincerity hovering over the League of Nations was the unblushing refusal of the "Big Powers," dominating the Council, to approve an international court of justice with full power to decide certain issues between States in accordance with the rules of right. The sinister aspect of this insincerity lies in the fact that the same nations who willingly agreed at Versailles to employ economic pressure and "effective military, naval, or air force" against a recalcitrant State were at Geneva afraid to agree to the establishment of an international court of justice based simply upon the rules of law backed by the power of public opinion. The meaning of this is perfectly clear. When the nations glibly agreed in Paris to pool their armed strength, they were thinking only of coercing the other fellow. They have never contemplated themselves, directly or indirectly, as being coerced by force of arms or otherwise. A perfectly natural attitude of mind. If one of the irreconcilables of the United